

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

1:07cv95

HENDERSON OIL COMPANY, INC.,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
RON L. COWART,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the court on plaintiff's Motion to Compel. Plaintiff filed such motion on August 17, 2007, making defendant's response due to be filed not later than September 4, 2007. It appearing that no response has been filed and that no objections or other response was ever made to plaintiff's Request for Production, and it further appearing that plaintiff has shown good cause to compel the production requested, the motion will be granted. The court will consider imposing costs and fees against defendant if plaintiff files a Motion for a Rule 37 Hearing that is supported by time sheets and appropriate affidavits concerning hourly rates.

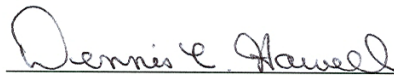
ORDER

IT IS, THEREFORE, ORDERED that plaintiff's Motion to Compel (#9) is **GRANTED**, and defendant is **COMPELLED** to produce to plaintiff's counsel all documents requested in its Request for Production within 14 days from the filing of this Order, and that defendant appear for a deposition which shall be noticed by plaintiff within 10 days after such production.

* * *

Defendant is cautioned that failure to comply with this Order may result imposition of any of the sanctions specified in Rule 37(b)(2), Federal Rules of Civil Procedure, which include but are not limited to monetary sanctions, entry of adverse judgment, and civil contempt of court. Defendant is advised that appearing through counsel is the best way to ensure that his legal interests are protected.

Signed: September 8, 2007

A handwritten signature in cursive script, reading "Dennis L. Howell", is written over a horizontal line.

Dennis L. Howell
United States Magistrate Judge

